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Amend sunflower stalks, sugar cane, wood flour, wood pulp, sawdust, wood chips, tree bark, and mixtures thereof.

REMARKS

In the Official Action of July 1, 2002, restriction was required between claims 1-6 and 15, drawn to a composite and a molded article, claims 7-14 and 16-20, drawn to a method of molding, and claims 21-22, drawn to a method of adsorbing. In response to this restriction requirement, Applicant elects claims 7-14 and 16-20, directed to a method of molding, with traverse.

In traversing this restriction requirement, Applicant does not take issue with, and instead expressly affirms, the finding that the three groups of claims are distinct. The restriction requirement is instead being traversed on three bases:

- (1) the lack of a showing in the Action of the serious burden that would be imposed if the claims were examined in a single application as required by MPEP §803 (see item (2) under the heading "Criteria for Restriction Between Patentably Distinct Inventions"),
- (2) the unsupported nature of the allegations in the Action, and
- (3) the confusing nature of the Action that leaves the basis of the restriction requirement in doubt.

Each of these bases for traversal is discussed in more detail in the following paragraphs.

Specifically with regard to the lack of a showing of a serious burden, although it is alleged on page 3 of the Action that the distinct inventions "have acquired a separate status in the art as shown by their different classification" and that they "have acquired a separate status in the art because of their recognized divergent subject matter," MPEP §808.02(1) requires not only that a restriction requirement demonstrate that the distinct inventions have acquired separate status in the art, but also that "a separate field of search" is required. No such showing is made out in the Official Action. In the absence of such a showing, no *prima facie* showing of the need for restriction of the claims in Groups I, II, and III has been established.

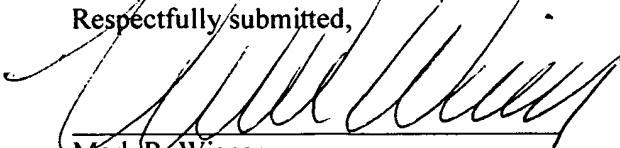
The second reason for traversing the restriction requirement is the unsupported nature of the allegations in the Action. For instance, it is alleged on page 2 of the Action that "the process as claimed can be used to make a materially different product such as a polyurethane based foam" and that (at the bottom of the page) "the different inventions have different functions and effects." What is it about the claimed method and product that causes one to suggest that the process can be used to make a polyurethane based foam? What are the "different functions and effects?" On the second page of the Action, it is alleged that "the different inventions have different modes of operation," but there is no follow-up for this allegation. What are the different modes? In the middle of the third page of the Action, it is stated that the inventions are

of "recognized divergent subject matter," but there is no indication given as to who or what recognizes that the subject matter is divergent. In short, the Action seems to be long on allegations and so short on analysis and/or support for those allegations that it is not apparent that the restriction requirement is well founded.

The third reason for traversing the restriction requirement is the confusing organization of the Action. It is stated, for instance, on page 3 of the Action that the "inventions are distinct . . . and have acquired a separate status as shown by their different classification" and that the "inventions are distinct . . . and have acquired a separate status in the art because of their recognized divergent subject matter," but it is not apparent which allegation applies to which group(s) of claims. Have the claims in Groups I and II acquired separate status (1) as shown by their different classification or (2) because of their recognized divergent subject matter? Because of the way that these paragraphs set are set out in the Action, it is not apparent which basis is being asserted for the claims in Groups I and II. Similarly, it is not apparent which of these assertions applies to the claims in Groups II and III? There does not appear to be an assertion as to separate status for the claims in Groups I and III at all. How can Applicant gauge the propriety of this restriction requirement without some idea of which allegations apply to which groups of claims?

For these reasons, reconsideration and withdrawal of the restriction requirement is respectfully requested. It is also requested that the amendments set out above be entered, that the remarks set out herein be considered, that the claims be allowed, and that the application be passed to issuance. In the event there are questions, please contact the undersigned attorney for Applicants at the address and telephone number set out below.

Respectfully submitted,



Mark R. Wisner
Registration No. 30,603
Alan H. Gordon & Associates
2925 Briarpark, Suite 930
Houston, Texas 77042
Telephone: 713.789.6200
Facsimile: 713.789.6203

ATTORNEY FOR APPLICANT

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